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SUMMARY RECORD OF THE 38th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 20 November 1998, at 3 p.m.

Chairperson: Mr. CEAUSU

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Initial report of Switzerland (continued) (E/1990/5/Add.33); List of issues (E/C.12/Q/SWI/1); Written replies of the Swiss Government (informal document in French distributed in the meeting room)

1. At the invitation of the Chairperson, the members of the Swiss delegation resumed their places at the Committee table.

2. Mr. WYSS (Switzerland) said that the people would vote on the whole of the draft constitutional reform in May or June 1999 and that only a few small differences of opinion remained between the two chambers. The main purpose of the exercise was to codify the principles and rules formulated by the Federal Tribunal concerning, for example, the right to minimum and fair standards of living. The process should reinforce the position of human rights. The Parliament and the Federal Council had limited room for manoeuvre which did not allow them to expand the catalogue of human rights. The Federal Council had therefore been reluctant to propose including an explicitly guaranteed right. The Federal Tribunal and the Federal Council tended to make a distinction between economic, social and cultural rights, on the one hand, and civil and political rights, on the other. But in general terms and in the practice of the Federal Tribunal, that distinction did not exist since all rights were part of one and the same catalogue of fundamental rights. Some rights contained cultural aspects (for example, freedom of language and freedom of occupation). The realization of social rights took a long time owing to the length of the political and legal procedures. The draft reform had a special provision setting social targets, which were not rights as such but rather guidelines, and it contained provisions in line with Switzerland's monistic tradition. Article 4, paragraph 4, obliged the Confederation and the cantons to comply with international law. In addition, the Federal Tribunal had always respected the trends of opinion emerging in the human rights treaty bodies. Generally speaking, it applied the most favourable protection regime after having examined the guarantees in question (at the constitutional, European or universal level).

3. Turning to the relations between the Confederation, the cantons and the communes, he said that when the Federal Tribunal declared a provision of cantonal law inadmissible, its decision had immediate effect and was directly applicable. Furthermore, the Swiss Government had several means of reminding the cantons of their obligations towards the Confederation arising from the treaties ratified by Switzerland. However, the Confederation had never yet intervened in cantonal affairs on a human rights matter, and no concrete text had yet been adopted in connection with the right to work.

4. Ms. IMESCH (Switzerland), referring to the status of asylum-seekers in relation to the rights contained in the Covenant, said that during the first three months following the initiation of the asylum application procedure,

applicants were not allowed to engage in any gainful activity in Switzerland. If an applicant was unable to provide for his own needs, the canton in whose territory he had been allocated a place to stay must provide him with the necessary assistance, in kind if possible. The Confederation reimbursed to the cantons the costs of aiding such applicants, who were themselves required to reimburse the costs of the assistance and to provide guarantees in respect of future assistance and processing costs. If an application for asylum was denied but it was impossible for the applicant to return to his country, the application was granted on a provisional basis. Once an applicant had been allocated a place to stay, he was automatically covered by health insurance. The premiums were paid by the Confederation on the same basis as the costs of medical care not covered by other institutions.

5. Ms. KOCHERHANS (Switzerland) said that the ban on working could be extended up to six months by decision of the canton in respect of the first negative decision or depending on the labour market. Applicants could then work with a valid permit for a maximum of six months, and the issue of permits was subject to the priority accorded to Swiss workers. Applicants usually worked in hotels, the construction industry, or agriculture. If an applicant was granted refugee status, he had access to the labour market on an equal footing with Swiss nationals. During the first five years he was granted an annually renewable permit of sojourn, then he received an establishment permit which made his status more secure.

6. Mr. TEXIER asked how long it generally took to obtain refugee status and who granted it.

7. Mr. SADI said he would like to know how judges were appointed and whether the foreigners currently living in Switzerland had entered the country under the normal immigration procedure or under the asylum procedure.

8. Mr. ELMIGER (Switzerland), replying to Mr. Sadi, said that the members of the Swiss Federal Tribunal, currently 30 in number, were elected by the Parliament on the basis of a careful political balance and linguistic distribution.

9. Ms. SCHULZ (Switzerland), referring to international cooperation, said that a little over 0.3 per cent of the gross national product was allocated to technical cooperation, but the Government wished to achieve 0.4 per cent eventually. The cooperation was based on five priorities: promotion of the economic and social independence of the developing countries and revitalization of their economies; assistance for the poorest population groups; combating the causes of migration; controlling environmental problems; and health and training.

10. Ms. KOCHERHANS (Switzerland), referring to the situation of foreigners with insufficient resources, said that a foreigner holding an establishment permit was entitled to family reunification even in times of financial difficulties. With respect to foreigners holding a B residence permit and receiving social benefits, the cantons took a decision on a case-by-case basis.

11. Ms. SCHULZ (Switzerland) said that the Swiss Nationality Act had achieved equality between men and women by eliminating the automatic acquisition of Swiss nationality by a female foreigner marrying a Swiss. The equality in question was formal. To date there had been no move to revoke that amendment to the Act.

12. Ms. KOCHERHANS (Switzerland) said with respect to the participation of women in economic life that women did not enjoy any protection in "unstable" labour relations. In the case of labour contracts enjoying the protection accorded by the Swiss Code of Obligations, women had the same status as men. Switzerland had not introduced a minimum wage, but the collective agreements concluded by the social partners fixed wage floors.

13. Mr. ELMIGER (Switzerland) said that a survey carried out in all the cantons during the process of ratifying ILO Convention No. 138 concerning the minimum age for admission to employment had shown that education was guaranteed in Switzerland up to the age of 15.

14. Mr. GRISSA asked what was the minimum age of employment in Switzerland.

15. Mr. AHMED said that, according to information communicated by Swiss NGOs, short-term and part-time labour contracts, in particular for the on-call work performed overwhelmingly by women, denied workers the protection of the provisions against improper dismissal which was available to workers holding a contract of unspecified duration. It would be interesting to hear about the measures taken by the Government to combat the trend towards unstable employment visible in the proliferation of those types of contract.

16. Mr. ELMIGER (Switzerland) said that the Labour Act set the minimum age for the employment of young people at 15. Switzerland had ratified ILO Convention No. 138 concerning the minimum age for admission to employment and, in so doing, had had to amend the above-mentioned Act, extending it to all the sectors covered by the Convention, in particular agriculture.

17. Ms. KOCHERHANS (Switzerland) said that the Swiss authorities were concerned about the increase in on-call work, short-term labour contracts and temporary work. That was why, on the proposal of a deputy, the Parliament had requested the Federal Council to produce a report on the adverse economic, social, physical and psychological consequences of those forms of work, and to make proposals to prevent and combat such consequences. The Federal Tribunal had also handed down a decision, in August 1998, declaring that in the case of on-call employment the time spent by the worker waiting for the employer to contact him must be regarded as part of his period of work and therefore be remunerated. However, the Federal Tribunal had not specified the method of calculating such remuneration. In any event, the decision was a first step which ought to make on-call recruitment less attractive.

18. Ms. JIMENEZ BUTRAGUEÑO asked whether the State made grants to enterprises for them to transform unstable jobs into stable ones and whether it envisaged cutting working hours in order to produce a better distribution of working time among all workers.

19. Ms. KOCHERHANS (Switzerland) said that the Parliament would no doubt shortly take up a popular initiative from the Swiss Trade Union Association, which was designed to reduce maximum weekly working hours from 45-50 to 36 and to calculate working time on an annual basis. That initiative would not have any effect on persons earning less than 1.5 times the minimum wage but it also provided for the adoption of measures to prevent part-time workers from being subjected to discrimination in recruitment.

20. Ms. SCHULZ (Switzerland) said that Switzerland did not have a single social security scheme and that the personal scope of application differed for almost every branch of insurance. For example, sickness insurance was individual and independent of gainful activity; occupational accident and sickness insurance was compulsory, but only for wage-earners, whatever their working hours; and old-age, survivors' and invalidity insurance covered all persons domiciled in Switzerland, including persons not engaging in a gainful activity. In four cantons persons not engaging in a gainful activity also received family allowances. Therefore, the lack of such an activity did not necessarily mean a lack of social security.

21. Mr. ELMIGER (Switzerland) said that the main purpose of Switzerland's economic policy was to maintain framework conditions favourable to enterprises and conducive to job creation and exports, while ensuring respect for freedom of trade and industry. For example, support measures were introduced for small and medium-sized enterprises, with a view inter alia to facilitating their access to credit and protecting them against export risks. In addition, regions which had to cope with difficult situations, in particular the mountain regions, received specific aid. The State also promoted full employment by adapting training schemes to foreseeable business needs, in collaboration with enterprises. Lastly, the unemployment insurance measures which had been introduced were designed to facilitate the reintegration of unemployed persons in the labour market. Women wishing to return to work had access to retraining and ongoing training arrangements.

22. Ms. KOCHERHANS (Switzerland), referring to the criteria governing the admission of foreign workers to Switzerland, said that the Federal Council planned to replace the geographic criterion by personal criteria, including qualifications, capacity for long-term integration, age and language.

23. If Switzerland signed an agreement on the free movement of persons with the European Union, it would attach to it a number of measures to prevent any possible social and wage dumping. For example, the law would be amended to ensure that the collective agreements concluded in a branch of activity were applicable to all workers in that branch. There were already some provisions limiting the scope of application of such agreements. It was also intended that minimum wages would be determined for individual cantons, in order to avoid any wage dumping.

24. There were also plans to adopt an out-workers act, which would oblige employers to apply to all their workers the main provisions of the labour legislation, in particular with regard to wages, paid leave, working hours, and occupational hygiene and safety, and to adapt Swiss legislation to a new European directive on that subject.

25. Ms. SCHULZ (Switzerland) said that the Federal Equality Act, which had entered into force on 1 July 1996, did not provide for the creation of a public mechanism for ensuring respect for the principle of equality between women and men. It was therefore up to male and female workers and the organizations defending their interests to assert in the courts the rights embodied in the Act, which expressly prohibited any sex discrimination with respect to remuneration or any other aspect of labour relations. It was still too early to assess the effectiveness of the Act. The Confederation also allocated financial aid for promoting programmes to facilitate equality between men and women in professional life, with particular reference to the harmonization of work and family obligations, the improvement of the status of women in the craft, technical and academic sectors, reintegration and further training, the independence and reorganization of enterprises, and working conditions. In addition, training was provided for careers-guidance officers and teachers to enable them to help pupils and students to choose an occupation or profession on the basis of criteria free of sexual stereotypes. Programmes were being carried out to increase the number of women pursuing occupations regarded as "male" or taking university courses. On 18 December 1991, the Federal Council had issued directives on the encouragement of the representation of women in the federal administration. Some cantons had issued similar directives. Lastly, the Central Union of Swiss Employers' Associations had published for its members a booklet on combating wage discrimination between men and women.

26. Ms. KOCHERHANS (Switzerland) said that the national collective agreements fixed minimum wages for each branch of activity, which were based on the qualifications of the workers and did not vary much from one branch to another. There were also several cantonal collective agreements which specified minimum wages calculated on the basis of the cost of living in the canton. There were no great disparities between the cantons.

27. Turning to the prevention of work accidents and occupational diseases, she said that the Confederation allocated SwF 100 million a year for information campaigns on occupational hygiene and safety aimed at employers and workers. Switzerland had also ratified ILO Convention No. 162 concerning asbestos and applied various provisions of the European Union directives on prevention of work accidents.

28. Ms. SCHULZ said that the provisions of the Federal Accident Insurance Act of 20 March 1998 concerning the prevention of work accidents and occupational diseases were applicable to all Swiss enterprises. However, the Act's scope of application did not extend to private households or army establishments. The failure of an employer to comply with the provisions of the Work Accident Prevention Act could entail sanctions ranging from closure of the enterprise to criminal penalties, including an increase in the premiums paid by the enterprises; those additional premiums were administered by the Swiss National Accident Insurance Fund (CNA), which used them to finance activities connected with the prevention of work accidents and occupational diseases. The CNA and other insurers also encouraged the prevention of non-occupational accidents and jointly managed an institution which contributed to the prevention of that type of accident by means of information and general safety measures.

29. French-speaking Switzerland was more seriously affected by unemployment than German-speaking Switzerland for two main reasons. Firstly, the tertiary sector - relatively bigger in French-speaking than in German-speaking Switzerland - had been more seriously affected by economic restructuring; secondly, the construction sector had borne the full brunt of the economic crisis in French-speaking Switzerland.

30. Mr. ELMIGER (Switzerland) said that the Swiss authorities were worried about the problems which had arisen in some diplomatic missions in Geneva. The Federal Tribunal had recently handed down an important decision stating that the Federal Labour Act applied to persons employed in diplomatic missions and that diplomatic immunity covered acts carried out in the performance of official functions but not acts of everyday life. In addition, the Federal Department of Foreign Affairs had issued new directives containing measures for stricter monitoring of the behaviour of members of diplomatic missions, including the possibility of declaring a diplomat persona non grata.

31. Mr. RIEDEL said that he welcomed the position of the Swiss authorities, but at the international level it was necessary to refer to the 1961 Vienna Convention on Diplomatic Relations: article 31 applied to cases of abuse committed in the home of a diplomat and article 32 could be invoked to request the waiver of immunity. Also relevant was the first sentence of article 41 (1) of the Convention, which read: "Without prejudice to their privileges and immunities, it is the duty of all persons enjoying such privileges and immunities to respect the laws and regulations of the receiving State". The decision of the Federal Tribunal and the new directives issued by the Department for Foreign Affairs were entirely in conformity with that article. It was clear that diplomatic immunities were only functional immunities. Accordingly, the receiving State had a duty to try to secure the waiver of the diplomatic immunity of the person in question so that the necessary proceedings could be brought. If the sending State refused to waive diplomatic immunity, the receiving State still had the possibility of declaring the culpable diplomat persona non grata. However, that measure would not be of any use to the victim of the abuse. For the purposes of the application of the Covenant, abuses committed in a diplomatic mission created an unusual situation, in which the receiving State must act as a kind of driving belt in order to induce the sending State to respect the rights set out in the Covenant. Lastly, the receiving State had the discretionary power of expelling the victim of an abuse. It would be interesting to know in that connection whether the Swiss authorities envisaged changing their policy towards the victim, i.e. waiving his expulsion.

32. The CHAIRPERSON said that in the situation in question the main responsibility rested with the Governments of the sending countries. He suggested that specific cases should be raised with delegations during the consideration of the reports of States parties.

33. Ms. JIMENEZ BUTRAGUEÑO said that it was necessary to talk about abuses so that diplomats would know that they could not act with impunity.

34. Ms. IMESCH (Switzerland) said, in connection with assistance for the elderly, that the Old-Age and Survivors Insurance Act provided for a system of federal subsidies for private institutions recognized as being of public

benefit for the provision of certain kinds of help for the elderly. The qualifying institutions were ones which devoted themselves entirely or to a large extent to providing assistance to the elderly and took responsibility for the training and further training of specialists and auxiliary staff in that sphere. The subsidies amounted to a maximum of four fifths of the qualifying costs. "Pro Senectute", an institution founded in 1917 and recognized as being in the public interest, was represented in all the cantons and had an annual budget of about SwF 110 million, provided in equal parts by public and private bodies. It had a very broad sphere of action, covering care, assistance to enable the elderly to remain in their own homes, and organization of activities and training. The authorities were particularly worried about poverty among the elderly. Where research was concerned, the Confederation had launched an "Old age" programme for the period 1992-1998; the main topics of study were the economic and social effects of demographic ageing and social integration and personal development in old age, as well as health care and supervision of the elderly. Where lodging was concerned, the policy was to help persons who so wished to remain in their own homes as far as possible. There were also care centres for the elderly and intermediate housing arrangements between staying at home and placement in a residential home, such as sheltered apartments. The old-age assistance policy was subsidized by the Confederation and implemented at the canton and commune levels.

35. Ms. KOCHERHANS (Switzerland) said that the cantons established their own rules on the status of civil servants. The status of civil servants employed by the Confederation was currently being reviewed; the new draft text provided for the lifting of the ban on the right to strike, it being understood that the Federal Council would always be able to limit that right for reasons of national security or to guarantee the provision of essential services and goods.

36. Ms. IMESCH (Switzerland) said that according to article 34 quater, paragraph 1, of the Federal Constitution, benefits in respect of old age, death and invalidity were administered in the form of the so-called "three pillars". The first pillar was the basic federal AVS-AI scheme (old-age and survivors' insurance/disability insurance), which was governed by a Federal Act which had undergone several revisions. The second pillar was the minimum legal occupational insurance, which was normally compulsory for employees; the third pillar was personal insurance, which the Confederation was required to encourage in collaboration with the cantons, in particular by fiscal means. All economically active persons and all other persons domiciled in the country were subject to the AVS-AI scheme, the tenth revision of which had entered into force on 1 January 1997 after having been accepted by referendum. The main changes made on that occasion were: replacement of the system of joint family incomes by individual incomes; raising of the retirement age for women, in two stages, from 62 to 64 years, the retirement age for men being 65. The AVS-AI scheme was based on the principle of insurance: normally all persons were required to contribute. The system had an important solidarity component, as contributions were based on total income, whereas benefits ranged between a floor and a ceiling having a ratio of 1:2. The minimum amount of the benefit was currently SwF 995 per month and the maximum SwF 1,990. The benefit calculated on the basis of income was supplemented by

additional payments for education and care responsibilities, an arrangement which compensated to some extent for the fact that women often gave up a gainful activity to bring up their children or care for a dependant.

37. Ms. JIMENEZ BUTRAGUEÑO said that she would like to know whether the basic and the occupational insurance schemes were cumulative.

38. Mr. GRISSA asked what Switzerland was doing to cope with the effects of increased life expectancy on the cost of social security and whether the authorities envisaged raising the age of retirement.

39. Mr. CEVILLE asked whether orphans whose parents had died before legalizing their situation in Switzerland received the orphan's allowance.

40. Ms. IMESCH (Switzerland) said that occupational insurance - the second pillar - was additional to the basic scheme for all persons doing paid work but it was optional for self-employed persons. With regard to the financial consequences of increased life expectancy, in 1994 the Federal Council had commissioned an interdepartmental group to study the future funding of social security. On the basis of the first part of its report, published in June 1996, the authorities had concluded that a comprehensive social security reform was not necessary for the time being; they were trying instead to identify new forms of funding. In addition to the contributions paid by employers and employees and the public subsidies, there were plans to use the value added tax and perhaps an energy tax to provide part of AVS funding. There was no question of raising the age of retirement for the moment. The eleventh revision of the AVS was about to get under way and it would provide an opportunity for studying the possibility of optional retirement before age 65 for men and women.

41. Lastly, children whose father or mother had died were entitled to a single allowance, and children both of whose parents had died were entitled to a double allowance. For an orphan to receive an allowance, the deceased parent must have paid at least one year's contributions to the system. It followed that the orphan's allowance could not be paid to a child whose parents were already dead when he or she arrived in Switzerland.

42. Mr. SADI said that he would welcome an explanation of the sharp increase in the number of divorces in Switzerland in recent years. He noted the use in the report of the terms "legitimate filiation" and "illegitimate filiation", and stressed that, in connection with the Convention on the Rights of the Child in particular, those terms should no longer be used. He would like to have an explanation of the surprising information contained in paragraph 392 of the report that marriages between foreigners and Swiss citizens accounted for almost one quarter of all marriages. Lastly, was the law fixing the age of consent to marriage at 18 applied without exception or did a girl of 17 who was pregnant have the right to marry?

43. Mr. TEXIER said that he would like to know whether children born out of wedlock had the same rights as other children. He asked whether the current amendments to the divorce legislation envisaged that parents might exercise joint guardianship of their children after divorce. Had any thought been

given to introducing a "town-hall" divorce procedure in the most straightforward situations? Lastly, what were the current and planned arrangements for maternity insurance?

44. Ms. BONOAN-DANDAN asked whether, in view of the many cases of sexual abuse of children recorded in Switzerland, the Government had ordered any studies on that problem and, if so, whether the studies had established a characteristic profile of the perpetrators of that kind of offence, identified the factors to which such abuse could be attributed, and established the percentages of native Swiss children and children of foreign origin among the victims. With regard to the children of divorced parents, what were the responsibilities of the parent to whom parental authority had not been assigned?

45. Switzerland's initial report contained no information about the problem of battered wives, but according to one source some 110,000 women fell victim to conjugal violence every year in Switzerland; it would therefore be useful for the Swiss delegation to give further information on that very alarming situation.

46. Mr. THAPALIA asked whether a court, an ombudsman or some other body was specifically responsible for dealing with cases of conjugal violence and whether, apart from the legal aspect, the Swiss Government was planning to take any measures to eliminate that social scourge.

47. Mr. ADEKUOYE noted that a fairly large number of single-parent families seemed to be living in poverty because a single parent was often compelled to work part-time and therefore received only a low wage and reduced social benefits. He would like to know what the Swiss Government intended to do to combat poverty in general and to ameliorate the situation of single-parent families in particular. It would also be interesting to know, in view of the considerable magnitude of the problem of battered wives in Switzerland, how effective the various existing counselling arrangements were, especially the advisory centres for mothers.

48. Mr. GRISSA asked for information about the provisions of Swiss law concerning international adoption and whether there was a body responsible for determining whether persons wishing to adopt a child abroad met the required conditions, particularly in the light of the increasing number of persons from developed countries travelling to developing countries to adopt children.

49. The CHAIRPERSON invited the members of the Committee to ask questions relating to article 11.

50. Mr. RIEDEL said that he would welcome information about the exercise of the right to housing in Switzerland and would like to know in particular whether evictions were a problem and, if so, what measures were being taken to protect persons threatened with eviction and to ensure compliance with the provisions of the Covenant.

51. Mr. ADEKUOYE said that during a recent discussion of the effects of globalization the Committee had concluded that that process tended to have a harmful impact on workers and a favourable impact on holders of capital, with

the consequence of a widening gap between rich and poor at the world and country levels. That also seemed to be the case in Switzerland, where despite an increasing per capita income the poor still seemed to be getting poorer. He would therefore like to know what Switzerland was doing to cushion the effects of that trend and, in particular, whether the federal poverty survey which was to have been undertaken by the Swiss National Scientific Research Fund had been published. Poverty also tended to carry with it a degree of social stigma in developed societies, with the result that the poor were sometimes ashamed to disclose their poverty and claim the benefits due to them; it would be interesting to know whether the Federal Government and the cantons had introduced arrangements for informing the victims of poverty about all the allowances to which they were entitled and thus eliminating that social stigma.

52. Mr. TEXIER said that he would like to know whether Switzerland had a problem of the homeless and what rules applied to evictions. In the case of private evictions - for non-payment of rent or for disorderliness, for example, were there automatic legal procedures for obtaining an eviction order or did other modalities exist? In the case of expropriation for public purposes, he would like to know the details of the legislation and how the expropriation was effected in practice.

53. Mr. GRISSA noted that according to the initial report Switzerland had 500,000 to 700,000 poor people; he would like to know how the poverty threshold was determined and what arrangements had been made to assist persons living below that threshold.

54. Mr. AHMED said that he associated himself with Mr. Grissa's question. According to one study Switzerland had about 500,000 poor, accounting for 5.6 per cent of the population; according to another study, 45 per cent of the population lived close to the poverty threshold, on the criterion of regarding a monthly income of SwF 4,000 for a couple having only one wage and two children as close to that threshold. He would like the Swiss delegation to clarify the official definition of poverty in terms of disposable monthly income.

55. The CHAIRPERSON invited members of the Committee to ask questions about article 12.

56. Ms. BONOAN-DANDAN said that the initial report contained no information about matters connected with mental health. According to one NGO, Switzerland certainly had sufficient institutions to care for the mentally ill but the treatment provided was not adequate and the interests and rights of the patients, in particular old people suffering from dementia, were not respected; in some cases substances had been injected without the agreement of the patients or their families. It would thus be useful for the Swiss delegation to give some explanations on that subject. Furthermore, table 30, on the different types of drug consumption, by sex, age and level of education, which appeared on page 135 of the report, showed that women consumed many more tranquillizers than men, a fact which certainly said something about the mental health of women. It would therefore be useful for the Swiss delegation to describe the factors underlying that phenomenon.

57. Mr. ADEKUOYE asked whether, as stated in paragraph 613 of the report, the Lausanne University Institute of Social and Preventive Medecine was making regular evaluations of the package of measures designed to reduce drug-related problems and, if so, when the series of evaluations had begun and what its findings were. He would also like to know, even on a provisional basis, what success had been achieved by the programmes to increase the availability of residential treatment for drug addicts and by the prevention programmes mentioned in Switzerland's written reply to question 34 on the list of issues.

58. Ms. JIMENEZ BUTRAGUEÑO said that she would like to know whether, in the event of sickness, insured persons had to settle their medical and pharmacy bills themselves and then have the cost reimbursed and whether they were reimbursed 100 per cent of the cost or had to pay a proportion themselves. If the latter was the case, did the arrangement also apply to retired persons.

59. Mr. WIMER said that Switzerland's recourse to the controlled distribution of heroine and methadone seemed to indicate a shift in its anti-drugs policy towards increased permissiveness in the manner of the Netherlands. It was very important to have the fullest possible information about the reasons for that fundamental change of direction and the new trends in the anti-drugs policy.

60. The recent discovery of international paedophile networks using modern information technology had highlighted the need for international action to combat that type of offence, which had been dealt with up to the present by national legislation. Among other things, national legislations would have to be unified, especially with regard to the procedures for investigating that type of offence, and a special jurisdiction might have to be established. He would like to know Switzerland's opinion on those points and what it was doing to combat paedophilia.

61. Mr. GRISSA observed that the report contained no information about the specific diseases of women or about abortion; he would like to know whether abortion was legal in Switzerland and what particular health problems were encountered by women.

62. Mr. TEXIER said he understood that sickness insurance, in particular the basic scheme, was relatively expensive in Switzerland and that the possibility of receiving financial support to pay for such insurance was a matter for the cantons but not all of them provided that kind of benefit. According to information transmitted by NGOs, a "two-tier" health system appeared to be emerging as a result of the fact that, in order to reduce their contributions, some people were accepting an excess clause without being in a position to meet the costs of their initial non-reimbursable treatment. He would therefore like to know what the Swiss Government was doing at the federal level to ensure the greatest possible access to health care for everybody, in particular access to public hospitals.

The meeting rose at 6 p.m.